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November 2, 2022

By ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED.

Re: Nigel Fredricks v. Correction Officer Smith,
21 Civ. 5669 (JGK) (OTW)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney assigned to represent Correction Officer Sean Smith ("Defendant") in the above-referenced matter. Pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, Defendant writes to respectfully request that he be permitted to depose Plaintiff and also request the Court endorse the attached proposed Order to produce Plaintiff for the deposition which will be conducted by remote means.

Defendant served Plaintiff with a Notice of Deposition on November 2, 2022. As Plaintiff is presently incarcerated at Auburn Correctional Facility, Defendant requires leave of the Court to take his deposition remotely, at 9:00 a.m., on November 17, 2022. Fed. R. Civ. P. 30(a)(2)(B). Furthermore, in order for Plaintiff to appear, Defendant must obtain an Order from the Court permitting Plaintiff to be produced for the deposition. Defendant has attached a proposed Order related to this request for Your Honor's review and endorsement.

Accordingly, Defendant respectfully requests the Court: (1) grant Defendant leave to depose Plaintiff pursuant to Rule 30(a)(2)(B) via WebEx Video Conferencing and (2) order the Warden or other official in charge of the Auburn Correctional Facility to produce Plaintiff for his deposition on November 17, 2022.

Thank you for your consideration herein.

Respectfully submitted,

Mary K. Sherwood

Mary K. Sherwood
Assistant Corporation Counsel
Special Federal Litigation Division

Encl.

cc: VIA FIRST-CLASS MAIL
Nigel Fredricks
22B1005
Auburn Correctional Facility
135 State Street
P. O. Box 618
Auburn, NY 13021

Application **GRANTED**. Defendants are directed to serve a copy of this Order on the *pro se* Plaintiff.

SO ORDERED.



Ona T. Wang 11/3/22
U.S.M.J.